



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2122

DATE SCANNED 11-1-12

SCANNER NO. 2

SCAN OPERATOR AmH

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION
SECRETARIAT

2010 MAR 24 A 8:49

March 23, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER *AP*
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *M.H. for D.C.*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NRC* NATALIYA IOFFE/EHIANNON MAGRUDER/IAN WANDNER *pm* *l. w.*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2009 YEAR END
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2009 Year End Report in accordance with 2 U.S.C. § 434(a). The Year End Report was due on January 31, 2010.

The committees listed in the attached RTB Circulation Report either failed to file the report, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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3/23/2010 2:19 PM

Federal Election Commission
Reason to Believe Circulation Report
2009 YEAR-END Not Election Sensitive 01/31/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2117	C00041061	AMERICAN PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE		CAPTAIN MICHAEL R. WATSON	\$108,400	1	3/20/2010	Not Filed	\$25,527	\$1,237
2118	C00338020	ASSISTED LIVING FEDERATION OF AMERICA		MS. MARIBETH BERSANI	\$109,759	0	2/22/2010	22	\$70,221	\$2,145
2119	C00453514	BLACK AMERICANS FOR REAL CHANGE		SELENA OWENS	\$102,116	1	3/14/2010	Not Filed	\$1,770	\$312
2120	C00458760	DAN GELBER FOR SENATE	GELBER, DANIEL	BRENDA SCHWARTZ	\$773,945	0		Not Filed	\$257,982 (est)	\$8,800
2121	C00458810	FRIENDS OF WAYNE	MOSLEY, EMMETT WAYNE JR.	SARAH WESTCOTT	\$236,492	0		Not Filed	\$118,246 (est)	\$4,950
2122	C00355784	ROBINSON COMMITTEE LLC	ROBINSON, JACK E.	JACK E. ROBINSON	\$374,836	0		Not Filed	\$187,418 (est)	\$6,050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2009)
Year End Report for the Administrative)
Fine Program:)
ASSISTED LIVING FEDERATION OF) AF# 2118
AMERICA, and BERSANI, MARIBETH)
MS as treasurer;)
AMERICAN PILOTS' ASSOCIATION) AF# 2117
POLITICAL ACTION COMMITTEE, and)
CAPTAIN MICHAEL R WATSON as)
treasurer;)
BLACK AMERICANS FOR REAL) AF# 2119
CHANGE, and SELINA OWENS as)
treasurer;)
DAN GELBER FOR SENATE, and) AF# 2120
BRENDA SCHWARTZ as treasurer;)
FRIENDS OF WAYNE, and SARAH) AF# 2121
WESTCOTT as treasurer;)
ROBINSON COMMITTEE LLC, and) AF# 2122
JACK E ROBINSON as treasurer)

CERTIFICATION

I, Darlene Harris, Acting Secretary of the Federal Election Commission, do hereby certify that on March 25, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2009 Year End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 23, 2010, on the following committees:

AF#2118 Decided by a vote of 6-0 to: (1) find reason to believe that ASSISTED LIVING FEDERATION OF AMERICA, and BERSANI, MARIBETH MS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money

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penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2117 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE, and CAPTAIN MICHAEL R WATSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2119 Decided by a vote of 6-0 to: (1) find reason to believe that BLACK AMERICANS FOR REAL CHANGE, and SELENA OWENS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2120 Decided by a vote of 6-0 to: (1) find reason to believe that DAN GELBER FOR SENATE, and BRENDA SCHWARTZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2121 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF WAYNE, and SARAH WESTCOTT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2122 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON COMMITTEE LLC, and JACK E ROBINSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 29, 2010
Date

Darlene Harris
Darlene Harris
Acting Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 29, 2010

Jack E. Robinson as Treasurer
Robinson Committee LLC
P.O. Box 2587
Duxbury, MA 02331

C00355784
AF#: 2122

Dear Mr. Robinson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2009, was due no later than January 31, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 25, 2010, the FEC found that there is reason to believe ("RTB") that Robinson Committee LLC and you, as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,050. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$6,050 is due within forty (40) days of the finding, or by May 4, 2010, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$187,418
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 4, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Robinson Committee LLC and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiamon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$6,050 for the 2009 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 4, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Robinson Committee LLC

FEC ID#: C00355784

AF#: 2122

PAYMENT DUE DATE: May 4, 2010

PAYMENT AMOUNT DUE: \$6,050

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FEC OFFICE OF
ADMIN REVIEW

JACK E. ROBINSON, ESQ.

2010 APR 26 A 10: 56

P.O. Box 2587
Duxbury, MA 02331
RobinsonEsq@aol.com
781-934-6755

April 16, 2010

Office of Administrative Review
Federal Election Commission
999 E Street, NW
Washington, DC 20463

C00355784
AF#: 2122

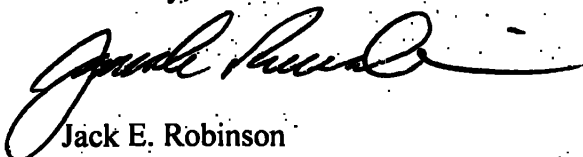
Dear Sirs:

Pursuant to 11 C.F.R. § 111.35, Robinson Committee, LLC (the "Committee") hereby challenges the above-referenced alleged violation and proposed civil money penalty for the following reasons:

- (1) The Committee's filing of the 2009 Year-End Report (the "Report") was dependent upon amendments and clarifications requested by the Commission for earlier reports in 2009 that, obviously, had an impact on the Report. Thus, the Report was effectively not due on January 31, 2010.
- (2) The Commission improperly calculated the proposed civil money penalty.
- (3) The Committee used best efforts to timely file the Report but was prevented from doing so due to the reasonably unforeseen circumstances that the Candidate could not file the Report unless and until he calculated his 2009 tax liability, which he did on April 15, 2010. Within 24 hours thereafter, the Committee filed the subject report. Because the Committee's operations were entirely Candidate-funded through loans, the Committee was unable to file the report until the Candidate determined the total amount of loans outstanding to the Committee – which did not occur until late in the evening of the tax filing deadline of April 15, 2010.

In light of the foregoing, and the fact that the Committee has no prior penalty history, the Committee respectfully requests that the Commission not impose any penalty.

Sincerely,



Jack E. Robinson
Treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 27, 2010

Jack E. Robinson, in his official capacity as Treasurer
Robinson Committee LLC
PO Box 2587
Duxbury, Massachusetts 02331

C00355784
AF# 2122

Dear Mr. Robinson:

On April 26, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

Gill I. Sugarman
Gill I. Sugarman
Reviewing Analyst

Office of Administrative Review

12090681283

Date: April 28, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2122

Committee Name: Robinson Committee, LLC

Committee ID#: C00355784

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated March 23, 2010 and RTB Certification,
dated March 29, 2010: Y**

Attachment #: 1

Signature Proof of Delivery: N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2009 Year End Report Prior Notice, dated December 28, 2009.

-Non-Filer Letter, dated February 17, 2010.

-RTB Letter, dated March 29, 2010.

Attachment #: 3

Other RAD Information: (Y/N): Returned RTB Letter, RTB Fax Transmittal

Attachment#: 4

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DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
 2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Robinson Committee, LLC:
 - A) Prior Notice, dated December 28, 2009, referencing the 2009 Year End Report (sent via electronic mail to: robinsonesq@aol.com);
 - B) Non-Filer Letter, dated February 17, 2010, referencing the 2009 Year End Report;
 - C) Reason-to-Believe Letter, dated March 29, 2010, referencing the 2009 Year End Report.
 3. I hereby certify that I have searched the Commission's public records and find that Robinson Committee, LLC filed the 2009 Year End Report with the Secretary of Senate on April 22, 2010.
 4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.
- This declaration was executed at Washington, D.C. on the 28th day of April, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 28, 2009

CURRENT REPORT DUE:

REPORTING DATES

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/09	01/31/10	01/31/10 ²

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report.⁴ Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted. See 11 CFR 102.3.

Supplemental Filing Information is available on page 2 of this notice.

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

³Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See also 11 CFR 100.3(a).

⁴If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline.

- Web Page: [Electronic Filing Page](#)
- [*Campaign Guide for Congressional Candidates and Committees \(Candidate Guide\)*, pp. 82-84](#) [PDF]

Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- [*Candidate Guide*, p. 81](#) [PDF]

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

- [*Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding*](#) [PDF]
- [*Candidate Guide*, p. 7](#) [PDF]

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers).⁵

- Web Page: [Administrative Fine Program Page](#)
- [*Candidate Guide*, pp. 81-82](#) [PDF]

2009 REPORTING SCHEDULE

- Web Page: [2009 Reporting Dates Page](#)
- [The Record January 2009 issue](#) [PDF]
- [*Candidate Guide*, pp. 79-80](#) [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the reporting period (see page 1 of this notice).

- [The Record: March 2009 issue](#) [PDF]
- [Federal Register: Notice 2009-03 \(February 17, 2009\)](#) [PDF]

⁵Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

LOOKING AHEAD TO 2010

REPORTING SCHEDULE FOR 2010

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/10	04/15/10	04/15/10
July Quarterly	06/30/10	07/15/10	07/15/10
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General	10/13/10	10/18/10	10/21/10
48-Hour Notices	Period: 10/14/10 – 10/30/10 --- see info below ---		
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

WHO MUST FILE

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted. See 11 CFR 102.3.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s).

- Web Page: [Electronic Filing Page](#)
- [Link to Paper Form 6 \[PDF\]](#) (for downloading and printing); and [Form 6 Instructions \[PDF\]](#)

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

- Web Page: [2010 Reporting Dates Page](#)
- The *Record* January 2010 issue [PDF] – coming soon
- [Candidate Guide, p. 79-80 \[PDF\]](#)

¹See footnote #1, p. 1 of this notice.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 17, 2010

RQ-7

JACK E ROBINSON, TREASURER
ROBINSON COMMITTEE LLC
PO BOX 2587
DORNBURY, MA 02331

IDENTIFICATION NUMBER: C00355784

REFERENCE: YEAR-END REPORT 11/19/2009 - 12/31/2009

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-8530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

1003025240990681289



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 JUN -4 P 4: 06

SENSITIVE

June 4, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Shawn Woodhead Wertz *SW*
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *JS*
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 2122 – Robinson
Committee LLC and Jack E. Robinson, in his official capacity as
Treasurer (C00355784)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

12090681290



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2122 – Robinson Committee, LLC and Jack E. Robinson, in his official capacity as
Treasurer (C00355784)**

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$6,050 civil money penalty.

Reason-to-Believe Background

On March 25, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2009 Year End Report and made a preliminary determination that the civil money penalty was \$6,050, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on March 29, 2010 of the Commission's RTB finding and civil money penalty. The letter, sent to the address of record, was returned to RAD; however, a copy was sent to them via facsimile on April 15, 2010.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g)(1) and 11 C.F.R. § 105.2. Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system must be postmarked or deposited with the mailing service no later than January 31 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely and complete filing of reports as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

Respondents' Challenge and Analysis

On April 26, 2010, the Commission received the written response ("challenge") from the Treasurer who is challenging both the RTB finding and penalty. He asks the Commission to reconsider the fine because they have no prior penalties. The challenge focuses on three points:

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- the filing of the Year End Report was dependent on amendments requested by the Commission for earlier reports that impacted the Year End Report, and thus, the report was effectively not due on January 31;
- the Commission improperly calculated the penalty; and
- they used best efforts to file timely but were prevented from doing so by a reasonably unforeseen circumstance: the Candidate had to calculate his 2009 tax liability. Since the campaign was funded solely by candidate loans, they could not file the report until the Candidate determined the total amount of loans owed to the Committee. He made this determination on April 15 and the report was filed the next day.

The respondents were notified of the report's due date before and after the filing deadline. On December 28, 2009, the Commission sent the Prior Notice for the Year End Report to robinsnosq@aol.com, the email address listed on their Statement of Organization. On February 17, 2010, the Commission sent them a non-filer notice at their address of record. The Treasurer did not contact Commission staff about this notice. On April 14, the RAD Analyst left a message for the Treasurer about the returned RTB letter. When he called her back on April 15, he said he would file the report over the upcoming weekend. The Commission received the Year End Report on April 22, 2010, 81 days late.

The Treasurer says that he had to amend prior reports before he could file the Year End Report and, therefore, it was not effectively due on January 31. The Commission's records show that only one Request for Additional Information ("RFAl") was sent to them before January 31. That request referenced the 2009 October Quarterly Report and was sent January 7, more than 3 weeks before the Year End Report was due. While the Treasurer may have been preparing an amended October Quarterly Report to comply with the RFAl's February 11 response date, this did not void his responsibility to file the Year End Report on time. There is no provision in the Act to extend a report's due date to provide more time for the treasurer to respond to an RFAl about a prior report. The RFAls for the other reports were sent on February 23 and March 23, after the Year End filing deadline, and did not prevent the timely filing of the report.

There are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of a report, the level of activity on the late report, the number of days late, and the number of prior violations. The Year End Report is not an election sensitive report and the respondents have no prior violations. They did not file the Year End Report before the RTB finding, so an estimated level of activity (\$187,418) was used to calculate the fine. 11 C.F.R. § 111.43(a) and (d)(2)(i). Using the schedule of penalties at 11 C.F.R. § 111.43(a) and the level of activity bracket of \$150,000 - \$199,999.99, the civil money penalty is $\$6,050 \times [1 + (.25 \times 0)]$ or \$6,050. Therefore, the fine was properly calculated at the time of the RTB finding.

The respondents assert they used best efforts to file on time, but were prevented by the unreasonably unforeseen circumstance that the Candidate had to calculate his 2009

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tax liability before the report could be filed. The best efforts defense, under which the Commission may decide that no violation occurred because the respondents used their best efforts to file on time, is a two part test. 11 C.F.R. § 111.35(b)(3) and (c).

The first part consists of the respondents demonstrating that they were prevented from filing on time by reasonably unforeseen circumstances that were beyond their control. With respect to this defense, the Commission states in its Explanation and Justification that the respondent bears the burden of showing that the reasonably unforeseen circumstances in fact prevented the timely and proper filing of the required report. The Commission has decided that this rule requires a strict causal relationship between the circumstances described in the challenge and the respondent's inability to timely file the report. For the second part of the test, the respondents must show that the report was properly filed within 24 hours after the resolution of the circumstances that prevented the report's timely filing.

Treasurers have several recordkeeping and reporting responsibilities. In addition to filing accurate and complete reports on time, the treasurer must report loans made, guaranteed or endorsed by the candidate to his authorized committee including those derived from a bank loan to the candidate or from an advance on the candidate's brokerage account, credit card, home equity line of credit or other lines of credit. 11 C.F.R. § 104.3(a)(3)(vii)(B).

Mr. Robinson is not only the Treasurer and Candidate, but he is also the Custodian of Records. Consequently, he had access to both his personal records and the Committee's records and could have calculated the total amount of loans he contributed to the campaign at any time. The October Quarterly Report was received October 20 and discloses loans from the Candidate of \$52,357. The 12 Day Pre-Primary/Pre-Special Report was received December 1 and discloses loans from the Candidate of \$136,000. Both reports cover activity for 2009 and yet the respondents were able to prepare and file them without waiting for the Candidate to calculate his tax liability.

The respondents filed 48-Hour Notices on December 1 and 4 that list a total of \$365,000 received by the Committee from the Candidate. That amount represents 97% of the total amount of candidate loans disclosed on the Year End Report. The respondents, therefore, knew about and had reported almost all of the candidate loans received during the Year End reporting period almost two months before the report was due. It is unclear why Mr. Robinson thought he needed to wait until his 2009 taxes were prepared before he could file the Year End Report. The respondents failed to prove that the Candidate's need to prepare his taxes prevented them from filing the Year End Report on time. Therefore, the respondents do not meet the first part of the test and their "best efforts" defense does not succeed.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances

that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,050.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2122 involving the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2122 that the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,050; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD.

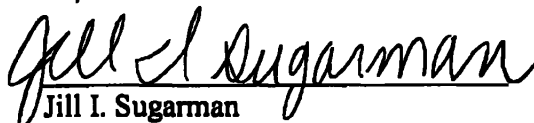
Attachment 3 – Declaration from OAR

DECLARATION OF JILL I. SUGARMAN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2009 Year End Report is due January 31, 2010. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by first class mail are considered filed on the date of receipt.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) Statement of Candidacy filed by Jack E. Robinson dated October 10, 2009. According to the Commission's records, the Statement was received on October 20, 2009;
 - (b) Pages 1 and 3 of the Statement of Organization filed by the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the document is dated October 10, was received on October 20, 2009, and lists "nybinsonesq@aol.com" as the Committee's email address. Line 7 lists "Jack E. Robinson" as the Custodian of Records;
 - (c) Page 1 of the Summary Page and Page 2 of Schedule C for the 2009 October Quarterly Report filed by the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2009 and was received on October 20, 2009. Schedule C lists \$52,357.00 in loans made or guaranteed by the candidate for the reporting period;
 - (d) Page 1 of the Summary Page and Page 3 of the Detailed Summary Page for the 2009 12 Day Pre-Primary/Pre-Special Report filed by the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the report covers the period from October 1 through November 18, 2009 and was received on December 1, 2009. Line 13(a) lists \$136,000.00 in loans made or guaranteed by the candidate for the reporting period;
 - (e) 2 pages of 48-Hour Notices filed by the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the 48-Hour Notices were received on December 1 and 4, 2009. They list contributions/loans received from Jack E. Robinson of \$265,000.00 and \$100,000.00 received on November 29, 2009 and December 4, 2009, respectively;
 - (f) Request for Additional Information dated January 7, 2010 which is addressed to the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the Request was sent by the Reports Analysis Division and references the October Quarterly Report. On Page 1 of the Request, it states "Response Due Date: February 11, 2010;"

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- (g) Requests for Additional Information dated February 23 and March 23, 2010 which are addressed to the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the Requests were sent by the Reports Analysis Division and reference the 12 Day Pre-Primary; 12 Day Pre-Special and Amended October Quarterly Reports; and
- (h) Page 1 of the Summary Page, Page 3 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2009 Year End Report filed via first class mail by the Robinson Committee, LLC and Jack E. Robinson, as Treasurer. According to the Commission's records, the report covers the period from November 19 through December 31, 2009, was received on April 22, 2010, and there is no postmark. Line 13(a) lists \$376,395.00 in loans made or guaranteed by the candidate for the reporting period.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 4th of June, 2010.



Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

12090681296

FEC FORM 2
STATEMENT OF CANDIDACY

SECRETARY OF THE SENATE
09 OCT 20 PH 1:16

1. (a) Name of Candidate (in full) Jack E. Robinson		
(b) Address (number and street) P.O. Box 2587		2. Candidate's FEC Identification Number C 00355784
(c) City, State, and ZIP Code Duxbury, MA 02331		3. Is This Statement <input type="checkbox"/> New (N) OR <input checked="" type="checkbox"/> Amended (A)
4. Party Affiliation REP	5. Office Sought Senate	6. State & District of Candidate MA

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the **2009-10** election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Robinson Committee, LLC	
(b) Address (number and street) P.O. Box 2587	
(c) City, State, and ZIP Code Duxbury, MA 02331	

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

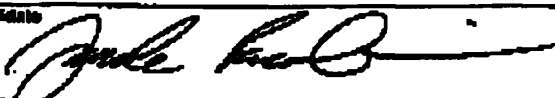
(including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy:

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate 	Date 10/10/09
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

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FEC FORM 2 (REV. 03/2008)

12090681297

20020422004

FEC
FORM 1

STATEMENT OF
ORGANIZATION

SECRETARY OF THE SENATE
09 OCT 20 PM 1:16

Office Use Only

1. NAME OF
COMMITTEE (In full)

☐

(Check if name
is changed)

Example: If typing, type
over the line.

12PB4N5

Robinson Committee, LLC

ADDRESS (number and street)

P.O. Box 2587

☐

(Check if address
is changed)

Duxbury

MA

02331

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

robinsonesq@aol.com

☐

(Check if address
is changed)

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.jackerobinson.com

☒

(Check if address
is changed)

2. DATE

10

10

2009

3. FEC IDENTIFICATION NUMBER

C

00355784

4. IS THIS STATEMENT

☐

NEW (N)

OR

☒

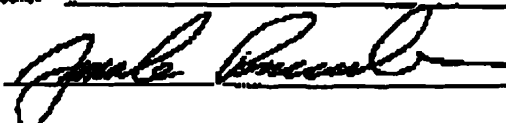
AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jack E. Robinson

Signature of Treasurer



Date

10

10

2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 4487g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-6539
Local 202-694-1100

FEC FORM 1
(Revised 02/2002)

12090681298

20020422008

Write or Type Committee Name

Robinson Committee, LLC

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name

Jack E. Robinson

Mailing Address

P.O. Box 2587

Duxbury

MA

02331

Title or Position

CITY

STATE

ZIP CODE

Telephone number

781 - 934 - 6755

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name
of Treasurer

Jack E. Robinson

Mailing Address

P.O. Box 2587

Duxbury

MA

02331

Title or Position

Treasurer

CITY

STATE

ZIP CODE

Telephone number

781 - 934 - 6755

12090681299

29820422010

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

SECRETARY OF THE SENATE
09 OCT 20 PM 1:16

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

Robinson Committee, LLC

ADDRESS (number and street)

P.O. Box 2587



Check if different
than previously
reported. (AOO)

Duxbury

MA

02331

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C 00355784

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

MA

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

10/15/08

10/15/08

10/15/08

In the
State of

MA

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

10/15/08

10/15/08

10/15/08

In the
State of

MA

5. Covering Period

07

01

2008

through

09

30

2009

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jack E. Robinson

Signature of Treasurer

Jack E. Robinson

Date

10

10

2009

NOTE: Submission of false, inaccurate, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3
Revised (2/2003)

FECM010

12090681300

29028422013

SCHEDULE C (FEC Form 3)
LOANS

Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 2 OF 2
FOR LINE NUMBER:
(check only one) ☒ 12a
13a

NAME OF COMMITTEE (in full)

Robinson Committee, LLC

LOAN SOURCE Full Name (Last, First, Middle Initial)

Robinson, Jack E.

Mailing Address

P.O. Box 2587

Section:

☐ Primary

☐ General

☒ Other (specify) All

City

Duxbury

State

MA

ZIP Code

02331

Original Amount of Loan

52,357.00

Cumulative Payment To Date

Balance Outstanding at Close of This Period

52,357.00

TERMS

Date Incurred

09/09/2009

Date Due

06/30/2010

Interest Rate

6.0 % (ap)

Secured:

☐ Yes ☒ No

List All Endorsers or Guarantors (if any) to Loan Source

1. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

2. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

3. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

4. Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

SUBTOTALS This Period This Page (optional):

52,357.00

TOTALS This Period (last page in this line only):

337,253.83

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

12090681301

20020422022

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

SECRETARY OF THE SENATE
09 DEC -1 PM 12:22

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT

Example: If typing, type
over the lines.

12FE4MS

Robinson Committee, LLC

ADDRESS (number and street)

P.O. Box 2587



Check if different
than previously
reported. (AO)

Duxbury

MA

02331

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C 00355784

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

MA

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

12

08

2009

In the
State of

MA

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

12

08

2009

In the
State of

MA

5. Covering Period

10

01

2009

through

11

18

2009

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jack E. Robinson

Signature of Treasurer

Jack E. Robinson

Date

11

23

2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 3437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2008)

7534619

12090681302

29020443783

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

Robinson Committee, LLC

Report Covering the Period:

From:

10 / 01 / 2009

To:

11 / 18 / 2009

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than
Political Committees

(i) Itemized (Use Schedule A).....

(ii) Unitemized.....

(b) TOTAL of contributions

from individuals

(c) Political Party Committees.....

(d) Other Political Committees

(such as PACs)

(e) The Candidate

(f) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(i), (b), (c), and (d))

12. TRANSFERS FROM OTHER

AUTHORIZED COMMITTEES

13. LOANS:

(a) Made or Guaranteed by the
Candidate

(b) All Other Loans.....

(c) TOTAL LOANS

(add Lines 13(a) and (b))

14. OFFSETS TO OPERATING EXPENDITURES

(Refunds, Rebates, etc.)

15. OTHER RECEIPTS

(Dividends, Interest, etc.)

16. TOTAL RECEIPTS (add Lines

11(a), 12, 13(c), 14, and 15)

(Carry Total to Line 24, page 4)

12090681303

29020443785

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Fines and Penalties for Instructions)

SECRETARY OF THE SENATE

09 DEC -1 AMID: 03

To be filed in report of contributions (including loans) of \$1000 or more, received within 48 days of the election.

1. NAME OF COMMITTEE (Full)

Robinson Committee, LLC

ADDRESS (Number and Street)

P.O. Box 2587

CITY, STATE, and ZIP Code

Duxbury, MA 02331

2. NAME OF CANDIDATE

Jack E. Robinson

3. OFFICE BOUGHT (State and District)

Senate - MA

NOT PERMITTED ON COPIES: These Reports and Statements may not be sold or used by any person for the purpose of selling contributions or for commercial purposes other than using the name and address of any political committee or officer (employee) (with such consent).

4. FEEDBACK NUMBER

C 00355784

A. Full Name, Mailing Address and ZIP Code

Jack E. Robinson
P.O. Box 2587
Duxbury, MA 02331

Name of Employer

self

Occupation

attorney

Date (month,
day, year)

11/29/09

Amount

\$265,000

B. Full Name, Mailing Address and ZIP Code

B.

Name of Employer

Occupation

Date (month,
day, year)

Amount

C. Full Name, Mailing Address and ZIP Code

C.

Name of Employer

Occupation

Date (month,
day, year)

Amount

D. Full Name, Mailing Address and ZIP Code

D.

Name of Employer

Occupation

Date (month,
day, year)

Amount

E. Full Name, Mailing Address and ZIP Code

E.

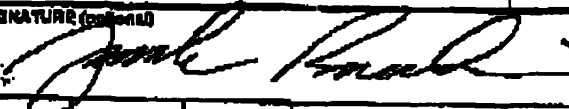
Name of Employer

Occupation

Date (month,
day, year)

Amount

SIGNATURE (Required)



DATE

12/01/09

For further information on this:

Federal Election Commission
800 E Street, NW, Washington, DC 20543
Toll Free 800-424-9530, Local 202-454-1100

FEC FORM 6

(Revised 1/2001)

RECEIVED PDF

12090681304

29029443751

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

SECRETARY OF THE SENATE

DEC -4 PM 5:04

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more received within 20 days of the election.

1. NAME OF CONTRIBUTOR OR LLC

Robinson Committee, LLC

ADDRESS (NUMBER AND STREET)

P.O. Box 2587

CITY, STATE, AND ZIP CODE

Duxbury, MA 02331

2. NAME OF CANDIDATE

Jack E. Robinson

3. OFFICE BOUGHT (NAME AND NUMBER)

Senate - MA

Any information copied from such Records and Statements may not be sold or used by any person for the purpose of making contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such contributors.

4. FEC IDENTIFICATION NUMBER

C 00355784

A. Full Name, Mailing Address and ZIP Code

Jack E. Robinson
P.O. Box 2587
Duxbury, MA 02331

Name of Employer

self

Date (month, day, year)

12/4/09

Amount

\$100,000.00

Occupation

attorney

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount

Occupation

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount

Occupation

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount

Occupation

E. Full Name, Mailing Address and ZIP Code

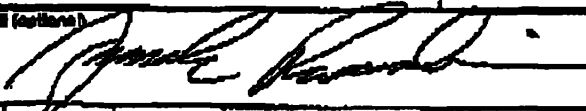
Name of Employer

Date (month, day, year)

Amount

Occupation

SIGNATURE (Candidate)



DATE

12/4/09

For further information contact:
Federal Election Commission
950 E Street, NW, Washington, DC 20460
Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6

(Revised 1/2001)

BALANCE PDF

12090681305

2902044428



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 7, 2010

Jack E. Robinson, Treasurer
Robinson Committee, LLC
P.O. Box 2587
Duxbury, MA 02331

Response Due Date:
February 11, 2010

Identification Number: C00355784

Reference: October Quarterly Report (7/1/06 - 9/30/09)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following § items:

1. Your committee failed to file a Post-Election Detailed Summary Page. The Post-Election Detailed Summary Page must be used in lieu of the Detailed Summary Page and Line Numbers 6-7 of the Summary Page for the first report filed after completion of the election cycle. The report filed encompasses the election held on 11/7/06. The Column C figures should total the activity for the period of 11/8/06 - 1/19/10. The Post-Election Detailed Summary Page can be downloaded from the FEC web site (www.fec.gov). Please amend your report to include a Post-Election Detailed Summary Page. (11 CFR §§ 104.2(a) and 104.3)
2. Please amend your report to include a supporting Schedule A for the amount reported on Line 12 of the Detailed Summary Page. All transfers to your committee from authorized committees of the same candidate must be itemized on Schedule A, regardless of the amount transferred. (11 CFR § 104.3(a)(4)(iii))
3. Please provide a Schedule A to support the amount reported on Line 13(a) of the Detailed Summary Page. Each person who makes a loan to your committee, or to the candidate acting as an agent of the committee,

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must be itemized on Schedule A and Schedule C. The itemization on Schedule A must include the person's full name, mailing address and zip code, along with the name of his/her employer, his/her occupation, the date of the contribution/loan and the election cycle-to-date amount of contributions made by the person. Schedule C must include any endorser or guarantor of the loan, the date the loan was made and all other terms of the loan. If the loan is from the candidate, you must indicate whether it is from his/her personal funds, or was obtained by the candidate from a bank loan, brokerage account, credit card, home equity line of credit or other line of credit. (11 CFR § 104.3(a)(4)(iv))

4. When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used personal funds or borrowed the money from a lending institution or some other source. Please amend your report to indicate whether the loan is from the candidate's personal funds or if he/she obtained the loan from a bank loan, brokerage account, credit card, home equity line of credit or other line of credit.

If the candidate loan was obtained from a lending institution, you must also file a Schedule C-1 with the Commission providing the name of the lending institution and the complete terms of the loan between the candidate and the lending institution. Schedule C-1 can be downloaded from the FEC website at <http://www.fec.gov>, or requested through the FEC Hotline at (202) 501-3413. Electronic filers must submit the Schedule C-1 electronically.

If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations. See 11 CFR §100.33.

5. The Commission notes your statement, dated 7/15/09, regarding the transfer of loans from the Robinson Committee, LLC (C00426718) ("the House Committee") to the Robinson Committee, LLC (C00355784) ("the Senate Committee") pursuant to 11 CFR § 110.3(c)(4). However, the incorrect reporting of the loan transfer has caused the following issues on this report:

- The Detailed Summary Page of your report discloses information that inflates your cash on hand. Please be advised that the total

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amount of loans transferred from the House Committee should not be included in your Schedule A total. (11 CFR § 104.3(a)(3))

- Your report discloses \$139,630.00 in other disbursements on Line 21, Column A, of the Detailed Summary Page. However, your report does not include a Schedule B to support this amount. Each disbursement to a person, which in the aggregate is greater than \$200 for the election cycle, must be itemized on Schedule B. (11 CFR § 104.3(b)(3)(ix))
- Commission Regulations require the continuous reporting of all outstanding loans. This report omits the loan(s) transferred from the House Committee. Please amend your report(s) to indicate the current status of the transferred loan in the amount of \$139,630.00, as well as the loan incurred by the Senate Committee on 8/30/2000 in the amount of \$145,866.83. (11 CFR §§ 104.3(d) and 104.11)

To correct these issues please amend your report to show the following:

- The loan transfer should be disclosed on a Memo Schedule A to avoid the misstatement of financial activity occurring in the period. It will not be necessary to show an offsetting amount on Schedule B.
- The loan incurred by the Senate Committee on 8/30/2000 cannot be combined with the loan incurred by the House Committee. The loan transferred from the House Committee must be disclosed on a separate Schedule C. (11 CFR § 116.2(c))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any responses submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to

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Robinson Committee, LLC

Page 4 of 4

verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1147.

Sincerely,



Amanda J. Iovino
Campaign Finance Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

February 23, 2010

Jack E. Robinson, Treasurer
Robinson Committee, LLC
P.O. Box 2587
Duxbury, MA 02331

Response Due Date:
March 30, 2010

Identification Number: C00355784

Reference: 12 Day Pre-Primary; 12 Day Pre-Special Report (10/1/09 - 11/18/09)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following 2 items:

1. Your report contains incorrect Column B figures for Lines 6(a), 6(b), 6(c), 7(a), 7(c), 11(a)(iii), 11(c), 11(e), 13(a), 13(c), 16, 17, 19(a), 19(c), 20(a), 20(d), 21, and 22 of the Summary and Detailed Summary Page information. When aggregating and reporting receipts and disbursements, candidate committees are required to disclose their activity on an election-cycle basis, from 11/8/06 to 1/19/10. Please amend your report to show election cycle-to-date figures for all aggregate amounts. (2 U.S.C. § 434(b))
2. Line 11(e), Column B, of the Detailed Summary Page information does not equal the sum of Lines 11(a) through 11(d). Please correct this discrepancy and file an amendment to your report. (11 CFR § 104.3(a)(3))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

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A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1147.

Sincerely,



Amanda J. Iovino
Campaign Finance Analyst
Reports Analysis Division



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 23, 2010

Jack E. Robinson, Treasurer
Robinson Committee, LLC
P.O. Box 2587
Duxbury, MA 02331

Response Due Date:
April 27, 2010

Identification Number: C00355784

Reference: Amended October Quarterly Report (7/1/06 - 9/30/09), dated 2/22/10

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following item:

Column B figures for the Summary and Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report minus the Column C figures. Please file an amendment to your report to correct the Column B and Column C discrepancies for Line(s) 11(a)(iii), 11(d), 11(e), 12, 13(a), 13(c), 16, 17, 19(a), 19(c), 20(a), 20(d), 21, 22, and all subsequent report(s) that may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals. (2 U.S.C. § 434(b))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

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A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-6322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1147.

Sincerely,



Amanda J. Iovino
Campaign Finance Analyst
Reports Analysis Division

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FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

SECRETARY OF THE SENATE

10 APR 22 AM 10:22

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT

Example: If typing, type
over the lines.

12FE4M5

Robinson Committee, LLC

ADDRESS (number and street)

PO Box 2587



Check if different
than previously
reported. (ACC)

Duxbury

MA

02331

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C 00355784

3. IS THIS
REPORT



NEW

OR



AMENDED
(A)

MA

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

In the
State of

MM / DD / YYYY

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

In the
State of

MM / DD / YYYY

5. Covering Period

MM / DD / YYYY

MM / DD / YYYY

2009

through

MM / DD / YYYY

MM / DD / YYYY

2009

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jack E. Robinson

Signature of Treasurer

Jack E. Robinson

Date

MM / DD / YYYY

MM / DD / YYYY

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2009)

FESAND18

12090681314

10020320751

DETAILED SUMMARY PAGE

FEC Form 3 (Revised 12/2003)

of Receipts

Page 3

Write or Type Committee Name

Robinson Committee, LLC

Report Covering the Period:

From:

11 / 19 / 2009

To:

12 / 31 / 2009

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than
Political Committees

(i) Itemized (see Schedule A).....

(ii) Unitemized.....

(iii) TOTAL of contributions

from individuals

(b) Political Party Committees.....

(c) Other Political Committees

(such as PACs).....

(d) The Candidate.....

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(ii), (b), (c), and (d))..

12. TRANSFERS FROM OTHER

AUTHORIZED COMMITTEES.....

13. LOANS:

(a) Made or Guaranteed by the

Candidate.....

(b) All Other Loans.....

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

14. OFFSETS TO OPERATING

EXPENDITURES

(Refunds, Rebates, etc.).....

15. OTHER RECEIPTS

(Dividends, Interest, etc.).....

16. TOTAL RECEIPTS (add Lines

11(a), 12, 13(c), 14, and 15)

(Carry Total to Line 24, page 4).....

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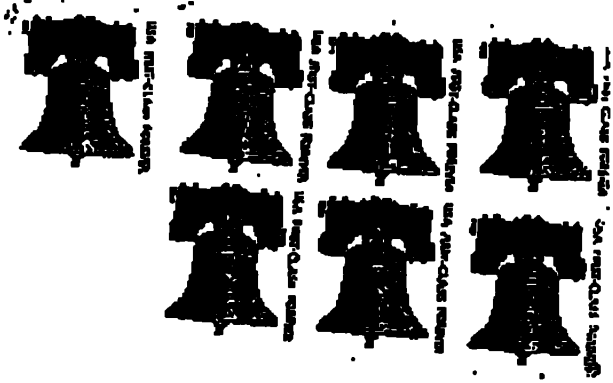
12090681316

10020320773

SECRETARY OF THE SENATE
10 APR 22 AM 10:23

OFFICE OF PUBLIC RECORDS
P.O. BOX 2517
ALEXANDRIA, VA 22301-0517

SCREENED
BY THE SENATE
POST OFFICE



NANCY ERICKSON
SECRETARY

DANA L. MCALLUM
SUPERVISOR

HART SENATE OFFICE BUILDING
SUITE 132
WASHINGTON, DC 20510-7116
Phone: (202) 224-6322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____
Date of Receipt

USPS FIRST CLASS MAIL _____
Postmark

USPS REGISTERED/CERTIFIED _____
Postmark

USPS PRIORITY MAIL _____
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____
Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____

☐

UPS _____

☐

DHL _____

☐

AIRBORNE EXPRESS _____

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☒

FAX _____
Date of Receipt

OTHER _____
Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

09-22-10

12090681317

10020320774



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 8, 2010

Jack E. Robinson, in his official capacity as Treasurer
Robinson Committee, LLC
P.O. Box 2587
Duxbury, Massachusetts 02331

C00355784
AF# 2122

Dear Mr. Robinson:

On March 25, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Robinson Committee, LLC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2009 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$6,050 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

12090681318

**FEC OFFICE OF
ADMIN REVIEW**



2010 JUN 25 P 1:19

JACK E. ROBINSON, ESQ.

**FEDERAL ELECTION
COMMISSION
SECRETARIAT**

P.O. Box 2587
Duxbury, MA 02331
RobinsonEsq@aol.com
781-934-6755

2010 JUN 21 P 12:09

June 18, 2010

VIA FEDERAL EXPRESS

Attn: Secretary
Federal Election Commission
999 E Street, NW
Washington, D.C. 20004

**C00355784
AF# 2122**

Dear Sir/Madam:

This shall serve as the Response of Robinson Committee, LLC ("Committee") and the Committee's Treasurer Jack E. Robinson ("Robinson") to the reviewing officer's recommendation dated June 4, 2010 that the Committee and Robinson violated 2 U.S.C. § 434(a) by failing to file a 2009 Year End Report and should be assessed a civil money penalty of \$6,050 (the "Recommendation"). The Recommendation was sent to the Committee and Robinson on June 8, 2010. Thus, this Response is timely. *See* 11 C.F.R. § 111.36(f).

The Recommendation should be rejected and no penalty should be assessed because the Year End Report was merely late as opposed to not having been filed at all. Furthermore, the Committee and Robinson used their "best efforts" to file the Report on time but were unable to do so in light of the unique circumstances of the Massachusetts special senate primary that occurred in December 2009. Finally, assuming a penalty is appropriate, it should be no more than \$1,000 because the reviewing officer incorrectly computed the amount. *See* 11 C.F.R. § 111.43.

The Recommendation is based on the faulty premise that the Report could have been completed before Robinson's tax returns were filed. *See* Recommendation at 3 ("It is unclear why Mr. Robinson thought he needed to wait until his 2009 taxes were prepared before he could file the Year End Report."). Because the Committee's operations were entirely self-funded by Robinson, and because Robinson could not calculate the total amount of candidate loans provided to the Committee until his 2009 taxes were prepared, in order to ensure accuracy Robinson simply was unable to file the Report until those tax returns were prepared and filed. Robinson filed the Report at the same time he filed his tax returns – April 15, 2010.


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Adding to the Committee's filing burden was the necessity to respond to numerous Requests for Additional Information from the Commission dated January 7, 2010 (before the Report was due), February 23, 2010, and March 23, 2010.

Finally, even though the Report was admittedly filed 81 days late, the harm to the public interest was nonexistent because (1) the Committee's operations were entirely funded by Robinson, and (2) Robinson lost the Massachusetts special Republican senate primary held in December 2009 to the ultimate general election winner – Sen. Scott Brown. Once the primary was over in early December 2009, the public's interest in the Committee's financial operations and disclosure was nonexistent because the public's focus turned entirely to the campaign finances of the two general election candidates – Sen. Brown and his Democratic opponent Martha Coakley. In sum, no harm occurred by virtue of the late filing of the Committee's Year End report (even if filed 81 days late) under the unique circumstances created by the special senate election in Massachusetts that occurred in December 2009 (primary) and January 2010 (general).

In light of the truly unique circumstances of this matter, the best efforts utilized by the Committee and Robinson to file accurate reports in a timely manner, and no prior violations by the Committee or Robinson, the Commission should, pursuant to 11 C.F.R. § 111.37(b), reject the Recommendation in its entirety. Alternatively, the Commission should assess a penalty of no more than \$1,000 based on incorrect calculations by the reviewing officer.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack E. Robinson", written in a cursive style.

Jack E. Robinson



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director

From: Patricia Carmona
Chief Compliance Officer

Dayna C. Brown *DCB*
Acting Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *JIS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 2122 – Robinson
Committee, LLC and Jack E. Robinson, in his official capacity as
Treasurer (C00355784)

On March 25, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2009 Year End Report and also made a preliminary determination that the civil money penalty was \$6,050 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 26, 2010, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated June 4, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$6,050 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

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On June 21, 2010, the Commission received the written response from the Treasurer which reiterates two points raised in the challenge and addressed in the ROR: they used best efforts to file on time and the fine was improperly calculated. A copy is attached for your review. The first part of the analysis will focus on the best efforts defense. The second part of the analysis will focus on the fine calculation.

The respondents say they used best efforts but were unable to file the report until the Candidate ascertained how much he loaned to the Committee. He could not make this determination until he prepared and filed his taxes on April 15, 2010. Additionally, they were burdened by responding to numerous Requests for Additional Information ("RFAI") sent by the Commission. The Treasurer raised these same issues in the challenge.

As discussed in the ROR, the respondents filed the October Quarterly Report in October 2009 and the 12 Day Pre-Primary/Pre-Special Report in December 2009, both of which disclose loans from Candidate. 48-Hour Notices filed in December 2009 list a total of \$365,000 received by the Committee from the Candidate, an amount that represents 97% of the candidate loans disclosed on the Year End Report. The reports and 48-Hour Notices cover 2009 activity and yet they were able to file them without waiting for the Candidate to prepare and file his 2009 taxes. It appears, then, that they should have been able to file the Year End Report by the January 31 filing deadline. Thus, they failed to prove that the Candidate's need to prepare his taxes prevented them from filing the report on time. The ROR also noted that the Treasurer's responsibility to answer RFAs did not invalidate his obligation to timely file the Year End Report.

Secondly, the Treasurer rejects the finding that the report was not filed, although he concedes it was 81 days late. As a result, he believes the fine should be no more than \$1,000. As explained in the ROR, there are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of a report, the level of activity on the late report, the number of days late, and the number of prior violations. The respondents have no prior violations. The Year End Report is not election sensitive, and the report is considered not filed because it was filed more than 30 days after its due date. 11 C.F.R. 111.43(e)(1). They did not file the Year End Report before the RTB finding, so an estimated level of activity (\$187,418) was used to calculate the fine. 11 C.F.R § 111.43(a) and (d)(2)(i). Using the schedule of penalties at 11 C.F.R § 111.43(a) and the level of activity bracket of \$150,000 - \$199,999.99, the civil money penalty is $\$6,050 \times [1 + (.25 \times 0)]$ or \$6,050. Therefore, the fine was properly calculated at the time of the RTB finding.

The respondents claim their failure to file the report timely caused no harm for these reasons: the campaign was entirely funded by the Candidate and the public's focus shifted to the finances of the general election candidates after Mr. Robinson lost the special primary election. Because these issues were not raised in the challenge and, therefore, are not directly responsive to the Reviewing Officer's recommendation, they are not addressed by the Reviewing Officer in this memorandum. 11 C.F.R. § 111.36(f).

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,050.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2122 involving the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2122 that the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,050; and
- (3) Send the appropriate letter.

Attachment

12090681323

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2122
Robinson Committee, LLC and Jack E.)
Robinson, in his official capacity as)
Treasurer (C00355784))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 22, 2010, the Commission decided by a vote of 6-0 to take the following actions in AF 2122:

1. Adopt the Reviewing Officer recommendation for AF# 2122 involving the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2122 that the Robinson Committee, LLC and Jack E. Robinson, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,050.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 22, 2010
Date

Darlene Harris
for Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jack E. Robinson, in his official capacity as Treasurer
Robinson Committee, LLC
P.O. Box 2587
Duxbury, Massachusetts 02331

C00355784
AF# 2122

Dear Mr. Robinson:

On March 25, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Robinson Committee, LLC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2009 Year End Report. By letter dated March 29, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,050 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 26, 2010, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Robinson Committee, LLC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$6,050 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 8, 2010.

On June 21, 2010, the Commission received your response. On July 22, 2010, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Robinson Committee, LLC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$6,050. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$6,050 for the 2009 Year End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Robinson Committee, LLC

FEC ID#: C00355784

AF#: 2122

PAYMENT AMOUNT DUE: \$6,050

**U.S. DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
DEBT COLLECTION PROGRAMS**

(Cross-Servicing Program and Treasury Offset Program)

ANNUAL DEBT CERTIFICATION AGREEMENT FOR FEDERAL NONTAX DEBTS

This Annual Debt Certification Agreement for Federal Nontax Debts (Certification Agreement) is submitted by: Federal Election Commission (Creditor Agency).

Section I: Background

- A. The U.S. Department of the Treasury, Financial Management Service (FMS), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to FMS for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to FMS for debt collection services, Federal agencies are required to certify to FMS, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Definitions of Terms Used in Certification Agreement.

Section II: General Provisions

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission, on or after the date of this Certification Agreement, by the Creditor Agency to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. ✓ **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to FMS via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.

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C. ***Changes to Debt Information.***

1. The Creditor Agency understands its obligation to notify FMS: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.
2. The Creditor Agency authorizes FMS to Update Records on its behalf, in accordance with criteria established by FMS, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify FMS as soon as it learns that any such updates are incorrect.

Section III: Debt Certification

The Creditor Agency understands that by submitting a Debt to FMS via an Add Record or Update Record, the individual submitting the Debt is certifying to FMS, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

A. ***General Prerequisites for Collection.***

1. ***Valid Debts.*** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. ***Delinquent Debts.*** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. ***Interest, Penalties, and Administrative Costs.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. ***Debtor Disputes.*** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. ***Collection Efforts.*** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. ***Creditor Agency Profile Form.*** The Creditor Agency Profile Form has been completed by the Creditor Agency and is accurate and up-to-date.

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B. General Prerequisites for Collection by Offset, including Tax Refund Offset. If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal and State tax and nontax payments:

1. **Compliance with Offset Laws.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.
2. **Due Process Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
 - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
 - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
 - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
 - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
3. **Due Process Prerequisites for Certain Older Debts.** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - III.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.

C. Prerequisites for Collection by Federal Salary Offset. If, through a Salary Offset Instruction, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal salary payments:

1. **Compliance with Federal Salary Offset Laws.** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and

Certification Agreement

2. **Due Process Prerequisites** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to disclose Debts to consumer reporting agencies:


1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
 - a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
 - b. the specific information to be disclosed to the consumer reporting agency; and
 - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

[Signature Page Follows]

Certification Agreement

Section IV: Certification

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency.



Print Name: Mary Sprague
Title: CFO
Date: 12/14/11

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2122

DATE SCANNED 11-1-12

SCANNER NO. 2

SCAN OPERATOR C/M N

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